IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Cr. Misc. NO. 42750-M OF 2006

DATE OF DECISION: SEPTEMBER 15, 2006

Parties Name

Nasar

..PETITIONER

VERSUS

State of Haryana

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASBIR SINGH

PRESENT: Mr. R.S.Rai,
Advocate, for the petitioner.

Ms. Mamta Singhal Talwar, AAG, Haryana;

JASBIR SINGH, J. (oral)

Order.

Earlier application for bail of the petitioner was dismissed as withdrawn on March 30, 2006. Counsel for the petitioner states that on the last date of hearing, directions were issued to the prosecution to examine the prosecutrix. She has been examined. Counsel for the petitioner states that the petitioner is in jail since July, 2005. The prosecution has cited 18 witnesses and only four have been examined. Trial is now stated to be pending on November 9, 2006. Counsel further states that the prosecution has moved an application under Section 311 Cr.P.C., which is also pending for consideration. It has also been brought to the notice of the Court that on an earlier point of time, investigation was conducted regarding this FIR by a senior officer of the rank of D.S.P., who found the petitioner innocent. This fact has not been controverted by the State counsel. Rather when enquiry

report, which is on the police file, was read in the Court, this fact was found to be correct. By referring to the sequence of events, counsel states that the incident is not likely to have occurred in the manner, in which it is stated to be. Furthermore, FIR is delayed by four days of the date of occurrence. Age of the prosecutrix is stated to be more than 17 years. Be that as it may, no opinion can be expressed on merits.

Trial is likely to take a long time and petitioner was, at one time, found innocent during investigation. This application is allowed and during pendency of the trial, the petitioner is ordered to be released on bail to the satisfaction of the trial Court.

September 15, 2006. (Jasbir Singh)
DKC Judge